

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 2/1/2019 6:48:43 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: RE: SNUR on Long Chains - Is this correct? Going in a letter to NC Senators

Thanks, I sent to the AAs for the draft letter to the NC senators.

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From: Beck, Nancy
Sent: Friday, February 1, 2019 12:50 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: SNUR on Long Chains - Is this correct? Going in a letter to NC Senators

Thanks for correcting that 2nd sentence.

Regarding the first sentence, I looked in the Management plan and I don't see that language in the management plan so I edited it below to match what is in the management plan. the way it was written conflates what is ongoing (which is deliberative) with what was proposed in 2015. The edited language is in red below. It is not consistent with the management plan.

- **Using TSCA Authorities.** The Agency proposed in 2015 a significant new use rulemaking under the Toxic Substances Control Act (TSCA) for Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances that would require manufacturers (including importers) of PFOA and PFOA-related chemicals, including as part of articles, and processors of these chemicals to notify the EPA at least 90 days before starting or resuming new uses of these chemicals in any products. The Agency plans to follow up on the 2015 SNUR. Furthermore, more than 300 new chemical or new use submissions for PFAS substances have been reviewed by the EPA since 2000, of which about 200 were regulated by the EPA. Notably, in 2009 EPA put DuPont/Chemours under a TSCA order requiring 99% capture of GenX chemicals at the DuPont/Chemours facilities in North Carolina, West Virginia, and New Jersey, and is continuing to monitor compliance with that order.

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From: Henry, Tala
Sent: Friday, February 1, 2019 12:37 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
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On the 2nd Sentence:

Later in the Plan, we state: More than 300 PMN or SNUN submissions for PFAS substances have been reviewed by the EPA since the beginning of the PFOA Stewardship Program, of which about 200 were regulated by the EPA, typically under a section 5(e) Order.

Hence, if as written implies a 'per year' number, then I suggest we just stick to what is in the plan. Also, this new text also makes a better Segway to the Dupont Order...i.e. a 'regulation' of new chemical under TSCA:

- **Using TSCA Authorities.** The Agency proposed in 2015 a significant new use rulemaking under the Toxic Substances Control Act (TSCA) for Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances that would require manufacturers (including importers) of PFOA and PFOA-related chemicals, including as part of articles, and processors of these chemicals to notify the EPA at least 90 days before starting or resuming new uses of these chemicals in any products. The Agency plans to follow up on the 2015 SNUR. Furthermore, more than 300 new chemical or new use submissions for PFAS substances have been reviewed by the EPA since 2000, of which about 200 were regulated by the EPA. Notably, in 2009 EPA put DuPont/Chemours under a TSCA order requiring 99% capture of GenX chemicals at the DuPont/Chemours facilities in North Carolina, West Virginia, and New Jersey, and is continuing to monitor compliance with that order.

Timeline Background, FYI:

2000 was the beginning of PFOS phaseout by 3M which triggered new PMN submissions. New PMNs significantly ramped up in 2006 with launch of PFOA Stewardship Program.

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From: Beck, Nancy
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Cc: Henry, Tala <Henry.Tala@epa.gov>
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I defer to OGC, but I wonder if we are saying too much about the ongoing rulemaking as its still a work in progress. On the 2nd sentence, while we have reviewed hundreds, I'm not sure we get hundreds every year which seems like this implies.

Looping in Tala to help confirm and to ensure the consent order is captured correctly.

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<Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>

Subject: SNUR on Long Chains - Is this correct? Going in a letter to NC Senators

- **Using TSCA Authorities.** The Agency has an ongoing significant new use rulemaking under the Toxic Substances Control Act (TSCA) for Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances that would require manufacturers (including importers) of PFOA and PFOA-related chemicals, including as part of articles, and processors of these chemicals to notify the EPA at least 90 days before starting or resuming new uses of these chemicals in any products. EPA is continuing to review hundreds of new chemical substitutes for PFOA, PFOS, and other long-chain PFAS under the EPA's New Chemicals Program. Notably, in 2009 EPA put DuPont/Chemours under a TSCA order requiring 99% capture of GenX chemicals at the DuPont/Chemours facilities in North Carolina, West Virginia, and New Jersey, and is continuing to monitor compliance with that order.

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